

PTO/SB/01A (09-04).

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE.

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention UTILITY USAGE EVALUATION SYSTEM AND METHOD

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ U.S. Application No. 10/519,729, Int'l Application No. PCT/NZ2003/000136, Int'l filing date
June 30, 2003,
☐ as amended on _____ (if applicable);

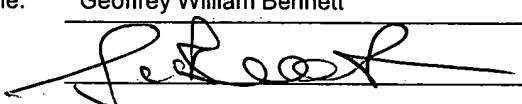
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Geoffrey William Bennett Citizen of: New Zealand
Signature:  Date: 6/10/05

Inventor two: Stuart Arthur Sheppard Citizen of: New Zealand
Signature: _____ Date: _____

Inventor three: _____ Citizen of: _____
Signature: _____ Date: _____

Inventor four: _____ Citizen of: _____
Signature: _____ Date: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 310136.401USPC

586127_1.DOC

10/519729

ELECTION AND POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	10/519,729
	Filing Date	
	First Named Inventor	Geoffrey William Bennett
	Title	UTILITY USAGE EVALUATION SYSTEM AND METHOD
	Art Unit	
	Examiner Name	
	Attorney Docket Number	310136.401USPC

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC, Customer Number: **00500**

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above (and any continuation/divisional applications therefrom), and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

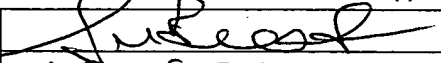
I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest I/we hereby elect, under 37 CFR 3.71, to prosecute the application to the exclusion of the inventor(s).

SIGNATURE of Applicant or Assignee of Record

Signature		Date	6/10/05
Name	MR GEOFFREY WILLIAM BENNETT		
Title and Company (Assignee)	DIRECTOR Energy and Technical Services Limited		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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17 OCT 2005

AJ PARK

Rec'd PCT/PTO 27 OCT 2005

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PTO/SB/96 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Geoffrey William Bennett et al.

Application No./Patent No.: 10/519,729 Filed/Issue Date: _____

Entitled: UTILITY USAGE EVALUATION SYSTEM AND METHOD

Energy and Technical Services Limited a corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.
The assignment was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the
current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title noted in B above are
attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment
Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See
MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature

13/10/2005
Date

GEOFF BENNETT
Typed or printed name

DIRECTOR
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Docket No. 310136.401USPC

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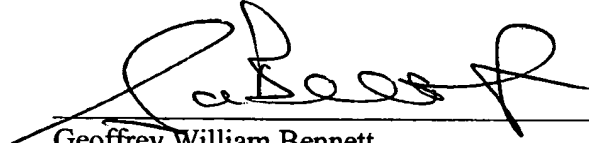
ASSIGNMENT

WHEREAS, we, Geoffrey William Bennett and Stuart Arthur Sheppard (hereinafter referred to as ASSIGNORS), having mailing addresses of P.O. Box 6004, Wellington, New Zealand; and P.O. Box 6004, Wellington, New Zealand, respectively, are the joint inventors of an invention entitled "UTILITY USAGE EVALUATION SYSTEM AND METHOD," as described and claimed in the specification for which an application for United States letters patent was filed and assigned Application No. 10/519,729. This application is a national stage application filed under 35 U.S.C. 371 of International Application No. PCT/NZ2003/000136, accorded an International Filing Date of June 30, 2003;

WHEREAS, Energy and Technical Services Limited (hereinafter referred to as ASSIGNEE), a corporation of the country of New Zealand having a place of business at P.O. Box 6004, Wellington, New Zealand, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

6/10/2005
Date


Geoffrey William Bennett

I hereby witness that I know or have satisfactory evidence that Geoffrey William Bennett is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 06-10-2005

Signature of Witness 

Printed Name Robb Morison

Date

Stuart Arthur Sheppard

I hereby witness that I know or have satisfactory evidence that Stuart Arthur Sheppard is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated _____

Signature of Witness _____

Printed Name _____

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(310136.401USPC)

DEED OF ASSIGNMENT made this 27th day of June 2002

BETWEEN **STUART ARTHUR SHEPPARD**, a New Zealand citizen, of PO Box 6004, Wellington, New Zealand
(the "Assignor")

AND **ENERGY AND TECHNICAL SERVICES LIMITED**, a New Zealand company, of PO Box 6004, Marion Square, Wellington, New Zealand
(the "Assignee")

RECITALS

1. The Assignor has, while contracted to the Assignee, devised an invention entitled "Energy Usage Evaluation System and Method" (the "Invention") for which it is intended to make application for Letters Patent in New Zealand and elsewhere in the name of the Assignee. The Assignor acknowledges that the Assignee has directed that the Assignee is or should be the proprietor of all rights in the Invention including the right to apply for patent or equivalent protection in any country or countries of the world, to claim priority under international convention from any such application or applications and the rights conferred by such patent or equivalent protection when granted (the "Patent Rights").
2. The Assignor has, either in the course of their employment by the Assignee, or in pursuance of a commission from the Assignee, made artistic works and literary works including tables, compilations and computer programs (the "Copyright Works") in connection with the invention and the New Zealand application, and acknowledges that the Assignee has directed that the Assignee is or should be the owner of all copyright rights in the copyright works (the "Copyright Rights").
3. The Assignee has requested the Assignor to execute this Deed of Assignment.

OPERATIVE PROVISIONS

1. ASSIGNMENT

In consideration of the sum of NZ One Dollar (NZ\$1.00) paid by the Assignee to the Assignor, the receipt of which is acknowledged, the Assignor HEREBY ASSIGNS to the Assignee all their rights in the Invention, the Patent Rights and the Copyright Rights.

BEST AVAILABLE COPY

2. MORAL RIGHTS

The Assignor, in relation to each of the copyright works, waives the right to be identified as author of the work and waives the right to object to derogatory treatment of the work.

3. IMPROVEMENTS

- (a) The Assignor while contracted to the Assignee shall forthwith disclose to the Assignee all improvements in, modifications of or additions to the Invention created by the Assignor.
- (b) The Assignor shall assign to the Assignee upon request all rights to all improvements in, modifications of or additions to the Invention devised or created by the Assignor while employed by the Assignee, such assignment to be of all rights in New Zealand and any other country or countries.

4. EXECUTION OF DOCUMENTS

The Assignor shall at the expense of the Assignee (if requested by the Assignee) in respect of the Invention in New Zealand or any other country:

- (a) apply for and obtain or (if the Assignee thinks fit) join with the Assignee in applying for intellectual property protection of the Invention with the understanding and the intention that all interest in such applications and any granted protection is to vest in the Assignee;
- (b) execute documents and do all acts necessary or convenient to assure the applying for and/or obtaining of any such intellectual property protection;
- (c) execute documents and do all acts necessary or convenient to vest any such protection in the Assignee; and/or
- (d) execute documents and do all acts necessary or convenient to enable enforcement of any such protection.

5. INFORMATION

The Assignor shall at the request of the Assignee, and to the extent outstanding, furnish the Assignee with full details of and relating to the Invention (including the circumstances of invention, creation and/or design).

6. CONFIDENTIALITY

The Assignor agrees to treat as confidential all information relating to the Invention and shall not use, disclose or publish the same without the express prior written consent of the Assignee. Such obligation shall not extend to

information which already is in or which enters the public domain through no fault of the Assignor. The Assignor agrees to seek prior clearance from the Assignee in any case of uncertainty.

7. APPLICATION TO IMPROVEMENTS

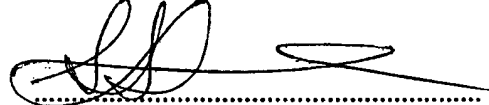
The obligations in Clauses 4, 5 and 6 shall extend to all improvements, modifications and additions referred to in Clause 3 of this Deed.

8. POWER OF ATTORNEY

To the extent that the signature of the Assignor cannot be obtained when required for a purpose specified in paragraph 4, the Assignor hereby irrevocably grants to the Assignee a power of attorney to sign such documents on his or her behalf, but for no other purpose.

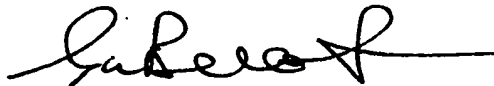
IN WITNESS WHEREOF this Deed was executed the date first above written.

SIGNED by or for
STUART ARTHUR SHEPPARD
in the presence of:

)
)
) 

WITNESS

Signature:



Name:

GEOFF BENNETT

Address:

1 RAWSON PLACE, SEATON, WELLINGTON

Occupation:

CONSULTANT ENGINEER